

REMARKS

Applicants acknowledge receipt of the Final Office Action dated April 27, 2010, in which the Examiner objected to the Drawings; objected to Claims 4, 5, and 8; rejected claims 1-3, 5, 8, and 12 as anticipated by Bosma (WO 03/008760); rejected claims 4, 13, and 14 as obvious in view of Bosma; and rejected claims 6, 7, and 9-11 as obvious in view of Bosma and Gill (WO 96/22453).

Applicants have amended the claims, drawings and specification and respectfully submit that the case is now in condition for allowance for the reasons set out below.

Objection to the Drawings

The Drawings have not been amended. Claim 11 has been canceled, thereby mooting the objection.

Objection to the Claims

Claims 4, 5, and 8 have been amended as required.

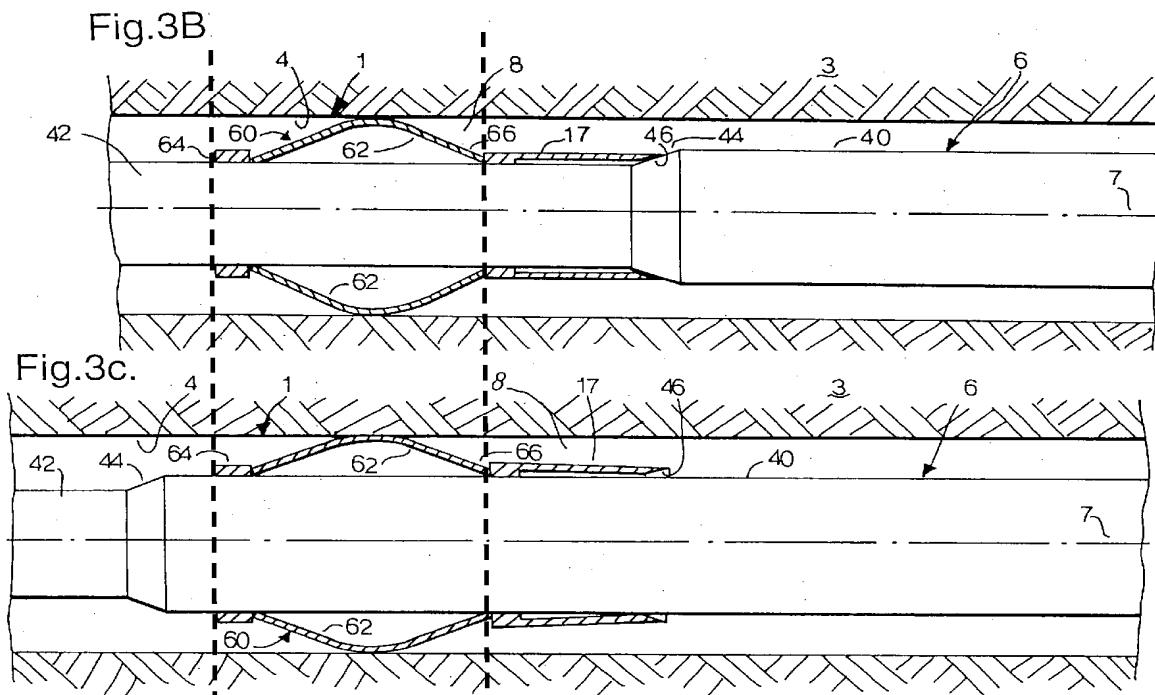
Rejected claims 1-3, 5, 8, and 12 as anticipated by Bosma (WO 03/008760)

Having reviewed the Final Office Action, Applicant again respectfully submits that Bosma does not teach a device meeting the limitations of claim 1. The following assertions made in the office action are simply inaccurate:

- That Bosma discloses a tubular element that “is susceptible to axial shortening upon radial expansion thereof;” and
- That Bosma discloses first and second portions of the outer structure that “are connected to the tubular element at respective locations axially spaced from each other.”

First, there is no evidence that the tubular element of Bosma undergoes axial shortening when it is radially expanded, as required by claim 1. Bosma himself makes no mention of shortening and does not show any shortening in the figures. In particular, Figures 3B and 3C clearly show no shortening at all during expansion. To illustrate this fact, Figures 3B and 3C are reproduced below, with phantom lines added to indicate axial alignment of parts 64 and 17, both

before and after expansion has occurred.¹ Axial shortening does not occur during any part of the expansion of the tubular in Bosma. Of particular relevance is the fact that no shortening occurs during expansion of the portion of the tubular between parts 66 and 64, which can be seen in the comparison of Figures 3B and 3C (dashed lines overlaid to facilitate comparison). As indicated previously, it is entirely possible, and clearly contemplated by Bosma, that radial expansion of a tubular can occur without axial shortening. In instances where radial expansion occurs without axial shortening, wall thinning will occur.



In order to clarify the claim element in question, Applicant has replaced “is susceptible to shortening” with “shortens.” Applicant respectfully submits that this is the plain meaning of the claim, as the invention would not work if the tubular did not shorten axially upon radial expansion.

Second, the alleged first and second portions of Bosma’s outer structure are not connected to the tubular element as required by claim 1. Applicant concedes that part 64 may be

¹ Figure 3A of Bosma is not included because it is not relevant.

connected to the tubular, but respectfully points out that second portion 17 is plainly not connected, as it needs to slide along the outside of the tubular in order to cause part 62 to bow outward. The Examiner has offered no support for the assertion that the first and second portions of Bosma's outer structure are connected to the tubular element and Applicant respectfully submits that that assertion is in error.

In order to improve the readability of the claim, Applicant has moved the recitation that the first portion and the second portion of the outer structure are connected to the tubular element, but the change does not constitute new matter, as the same recitation was present elsewhere in the claim as originally filed.

In the *Response to Arguments*, the Examiner points out that the claim reads "restrained" rather than "affixed." Applicant respectfully submits that the full claim recitation, namely that the portions are "restrained to the tubular element throughout expansion such that the distance between the first and second portions changes as a result of radial expansion of the portion of the tubular element between the first and second portions," when taken in the context of the Figures and specification, clearly means that the first and second portions are affixed to the tubular element. This is evidenced by the fact that, if the first and second portions were not affixed to the tubular, the invention would not work. Nonetheless, Applicant has replaced "restrained" with "connected" in order to clarify this point.

Finally, to further emphasize the distinctions between Bosma and the present invention, claim 1 has been amended to require that "the distance between the first and second portions changes during radial expansion of the tubular element between the first and second portions." For the reasons set out above and illustrated by Figures 3B and 3C of Bosma, there is no shortening of the tubular in Bosma, there is no shortening of the portion of the tubular between the first and second portions of the outer structure, and therefore the distance between the first and second portions of Bosma cannot change *during radial expansion of the portion of the tubular element between the first and second portions* as required.

For all of the foregoing reasons, Applicant respectfully submits that the present claims are patentable over Bosma.

Rejection of claims 4, 13, and 14 as obvious in view of Bosma

Applicant respectfully disputes the Examiner's statement that "it would have been obvious...to weld the first and second portions of the outer structure to the tubular element [of Bosma]." In fact, if the sleeve 17 of Bosma, which the Examiner has identified as the "second portion," were welded to the tubular, it would not advance in front of the expansion zone and would instead be radially expanded (or break) without getting axially closer to part 64. Because part 17 is required to slide along the tubular, it would not be obvious to weld it to the tubular. Still further, since the tubular of Bosma does not shorten, there would be no reason to weld part 17 to the tubular, particularly since it would render the Bosma device inoperable.

Claims 13 and 14 contain further limitations to claim 1 and are allowable for the reasons set out above with respect to claim 1.

Rejected claims 6, 7, and 9-11 as obvious in view of Bosma and Gill (WO 96/22453).

Because of the shortcomings of Bosma as set out above, the combination of Bosma with Gill does not produce a system meeting the limitations of the claims. Therefore, claims 6, 7, and 9-11, which contain further limitations to claim 1, are allowable for the reasons set out above with respect to claim 1.

Conclusion

Applicant believes he have addressed every issue raised by the Examiner in the Office Action. Because no new matter has been entered and because the case is now in condition for allowance, Applicant respectfully requests the Examiner to enter the amendments and allow the case. If it would be considered helpful in resolving any issues in the case, the Examiner is encouraged to contact the undersigned at the number below.

Respectfully submitted,

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